

000737CIP

PATENT

REMARKS

Applicant requests continued examination of the above-captioned application.

Claims 1, 3-12, and 14-24 are pending in the application.

Claims 1 and 21 stand rejected under 35 USC 103(a) as being unpatentable over Sheynblat (USPN 6,313,786 B1) in view of Vaara (USPN 6,285,884 B1). Claims 3 and 4 stand rejected under 35 USC 103(a) as being unpatentable over Sheynblat in view of Abraham (USPN 5,510,797). Claims 5 and 6 stand rejected under 35 USC 103(a) as being unpatentable over Sheynblat in view of Ando (EP 0,429,769 A2). Claims 7-10 stand rejected under 35 USC 103(a) as being unpatentable over Sheynblat in view of Ando, and further view of Pon (USPN 5,771,456). Claims 11, 12, and 14-20 stand rejected under 35 USC 103(a) as being unpatentable over Sheynblat in view of Wysocki (USPN 5,381,338). Claims 22-24 stand rejected under 35 USC 103(a) as being unpatentable over Sheynblat in view of Wysocki, and further in view of Gilhousen (USPN 5,859,612).

Applicant respectfully traverses these obviousness rejections. All of the obviousness rejections rely upon Sheynblat as the primary reference. Applicant submits the Sheynblat should not be used as a reference according to 35 USC 103(c).

Sheynblat is a 102(e) reference. According to 35 USC 103(c):

Subject matter developed by another person, which qualifies as prior art onlu under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

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Applicant submits that the current application and the patent to Sheynblat were, at the time of the invention of the current application was made, wholly owned by SnapTrack, Inc. The assignment for the current application has been recorded at Reel 012479, Frame 0004. The assignment for Sheynblat has been recorded at Reel 009832, Frame 0319.

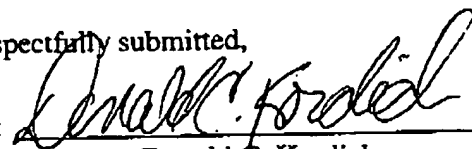
Accordingly, it is improper to use Sheynblat as a reference in rejecting the claims. Thus, claims 1, 3-12, and 14-24 should be allowed in the next Office action.

In view of the foregoing, Applicant submits that all pending claims are in condition for allowance. Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

If there are any other fees due in connection with the filing of the response, please charge the fees to our Deposit Account No. 17-0026. If a fee is required for an extension of time under 37 CFR 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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